

## CRIME VICTIM ASSISTANCE: GENERAL INFORMATION

### VICTIMS OF CRIME ACT OF 1984

The following outline details the changes in VOCA Administration, resulting from the Children's Justice and Assistance Act of 1986 amendment and the Anti-Drug Abuse Act of 1988 Amendment:

#### I. CONGRESSIONAL INTENT

The Crime Victim Assistance Program of the Victims of Crime Act of 1984 has as a **primary objective to provide hands-on assistance directly to victims of crime**, by assisting local units of government and private nonprofit organizations in enhancing or expanding direct services to victims of crime, in encouraging the states to improve their assistance to crime victims, and in promoting the development of comprehensive services to all victims of crime.

The Congressional intent is to assist states in providing high quality services that directly improve the health and well-being of victims of crime.

Assistance provided should focus upon addressing the devastating psychological and emotional consequences experienced by victims of crime and their families; and on establishing a safe, welcome environment for victims within the criminal justice system, thus increasing the public's willingness to participate in the criminal justice process.

#### II. PRIORITY PROGRAMS

A **Priority Program** has been defined by the Office of Victims of Crime as one whose principal mission is to offer **comprehensive specialized services tailored to the special needs of one or more priority category victims**. The first three priority categories have been clearly defined by Congress as being **victims of child abuse, victims of domestic violence, and victims of sexual assault**. A fourth category was added in 1988, for **previously underserved victim populations**, to be defined by each state. Subsequent to publishing the initial program guidelines, OVC has determined that victims that fall under the first three priority categories will not be eligible for consideration under the category of "previously underserved."

The Commonwealth of Kentucky defines its previously underserved victim populations as any of the following: **survivors of homicide; elderly victims of abuse; survivors of incest; victims of robbery and other forms of violence against persons, including victims of drug and alcohol related crime; victims of ritualistic abuse; and victims of juvenile crime**.

According to the directive of the Office of Victims of Crime, at least ten percent of the state's total VOCA allocation must be awarded to each of the four Priority Categories.

In determining the funding needs of programs serving the priority victims, the state should consider other funding options that may be available or in place for these priority program areas, as well as the needs and availability of services in the state for other categories of crime victims. These four victim service areas should be accorded the funding priority to which the statute entitles them, but not to the degree to which other crime victims would be denied the availability of a minimum level of service.

### III. PROGRAM EMPHASIS

The Office for Victims of Crime encourages the state to consider whether direct service to crime victims is the primary mission of the project. Generally, a victim assistance project is a separate self-contained unit established exclusively to provide services directly to crime victims. Congressional intent is to provide appropriate assistance to victims as soon as possible after the crime occurs, in order to reduce the severity of the psychological consequences, to improve the victim's willingness to cooperate with the criminal justice process, and to restore the victim's faith in the criminal justice system.

Congress has supported the view that some services are more directly related to the emotional healing and recovery of the victim than others. In particular is the recognition of the importance of **immediate crisis intervention** and professional services.

The Office of Victims of Crime has pointed out it is VOCA's intent to ensure services directly improving the health and well-being of crime victims. OVC thus encourages the state to consider first the programs offering counseling services, shelter, and other emergency assistance that address the devastating psychological and emotional consequences experienced by victims and their families in the aftermath of crime.

**PROGRAMS MEETING THE SHORT-TERM EMERGENCY NEEDS OF VICTIMS WILL BE GIVEN PRIORITY, WITH THE EXCEPTION OF PROGRAMS WHOSE PRIMARY PURPOSE IS TO AID SURVIVORS OF HOMICIDE AND FOR WHOM SERVICES MAY BE DELAYED BEYOND THE INITIAL CRISIS.**

This priority will be given in recognition of the fact that appropriate crisis intervention services are a major factor in reducing the need for services in later stages of the victimization process.

Another factor to be considered in establishing selection criteria is the availability of a comprehensive "system" of services for crime victims (i.e., the coordinated, cooperative efforts of several agencies and/or organizations to provide a continuum of services and support to crime victims, from the time the crime occurs, throughout the criminal justice process).

#### IV. ELIGIBILITY REQUIREMENTS

- A. The program must be operated by a **public agency or non-profit organization**, or a combination thereof, that provides direct services to crime victims.
- B. If it is an **existing program**, it must have a record of providing effective services to victims, and financial support from other sources.
  - 1. In determining a record of effective services, the program must have been in operation for a minimum of one year, and have the support and approval of the community, and an analysis of its activities and financial history must show that it achieves its intended results in a cost effective manner.
  - 2. An existing program shall be considered to have **financial support from other sources** if at least twenty percent (20%) of its support (including in-kind contributions) is from sources other than the state's crime victim assistance grant.
- C. A new program that has not demonstrated a record of effective services may be eligible for funding if it demonstrates substantial financial support in the amount of (50%) of the total project from non-federal sources. The matching contribution can be either cash or in-kind.
- D. The program must utilize volunteers or a recruitment plan should be in place. There are a variety of ways volunteers can be beneficial to a program (e.g., court support, transportation, crisis hotline, hospital advocacy, counseling, therapy). Programs are required to maintain a minimum of 200 documented volunteer hours. Volunteer time must include direct services to victims of crime.
- E. The program must promote within the community served coordinated public and private efforts to aid crime victims, with an emphasis on **interagency communication**.  
**COORDINATION IS REQUIRED TO ENSURE CONTINUITY OF SUPPORT AND TO AVOID DUPLICATION OF EFFORT.**
- F. The program must assist victims in seeking available **crime victims compensation benefits**. It must also demonstrate a willingness to coordinate its activities with the Crime Victim Compensation Board.
- G. Crime victims assistance funds shall be used only to provide services to victims of crime. "Services to Victims of Crime" mean those activities that directly benefit individual crime victims, including the required and necessary coordination of such activities.
- H. The program must provide services to victims of federal crimes on the same basis as victims of state/local crimes.
- I. The program must provide services **at no charge** to crime victims, through the VOCA funded project. Any deviation from this provision requires prior written approval by the Grants Management Branch.

**V. ELIGIBLE SERVICES**

Services to victims of crime include, but are not limited to the following:

- A. **CRISIS INTERVENTION SERVICES:** Services that meet the urgent short-term emotional or physical needs of crime victims. Crisis intervention services are encouraged to coordinate the provision of a 24 hour service which may include the operation of a crisis hotline that provides emergency counseling or referral for crime victims.
- B. **EMERGENCY SERVICES:** Services that provide temporary shelter for crime victims who cannot safely remain in their current lodgings, or services that provide measures to restore security such as repair of locks, or boarding up of windows to prevent the immediate re-burglarizing of a home.
- C. **SUPPORT SERVICES:** Including follow-up counseling following the initial traumatic event; reassurance, empathetic listening, and guidance for resolving practical problems created by the victimization experience; acting on the victim's behalf vis-à-vis other social and criminal justice agencies; assistance in obtaining the swift return of property being kept by police as evidence; intervention, as appropriate, with landlords, creditors, or employers; and referral to other sources of assistance, as needed.
- D. **COURT RELATED SERVICES:** Services that assist crime victims in participating in criminal justice proceedings, including transportation to court, child care, escort services and the filing of elder abuse and child abuse petitions and temporary restraining orders.
- E. **FORENSIC EXAMINATIONS:** For sexual assault victims, forensic exams are allowable costs only to the extent that other funding sources (such as state compensation, private insurance or public benefits) are unavailable or insufficient and such exams conform with state evidentiary collection requirements. State grantees should establish procedures to monitor the use of VOCA victim assistance funds to pay for forensic examinations in sexual assault cases.
- F. **PUBLIC PRESENTATIONS:** VOCA funds may be used to support presentations that are made in schools, community centers or other public forums, and that are designed to identify crime victims and provide or refer them to needed services. Specifically, activities and costs related to such programs, including presentation materials, brochures, and newspaper notices, can be supported by VOCA funds. Community education cannot be the primary focus of staff positions supported by VOCA funds.
- G. **NECESSARY AND ESSENTIAL COSTS:** This includes prorated costs of rent, telephone services, transportation costs for victims to receive services, emergency transportation costs for victims to receive services, emergency transportation costs that enable a victim to participate in the criminal justice system, and local travel expenses for service providers.
- H. **PERSONNEL COSTS:** Costs specifically related to providing direct services, such as staff salaries and fringe benefits, including malpractice insurance; the cost of advertising to recruit VOCA-funded personnel; and the cost of training paid and volunteer staff.

- I. **TRAINING MATERIALS:** VOCA funds can be used to purchase materials such as books, training manuals and videos for direct services providers within the VOCA funded organization.
- J. **OPERATING COSTS:** Examples of allowable operating costs include supplies; equipment use fees, when supported by usage logs; printing, photocopying and postage; brochures which describe available services and books; and other victim related materials. VOCA funds may support administrative time to complete VOCA required time and attendance sheets, programmatic documentation, reports and statistics; and administrative time to maintain crime victims' records.

**Note:** The Kentucky Justice and Public Safety Cabinet may be more restrictive regarding the use of grant funds. For the complete VOCA guidelines, please see <http://www.ojp.usdoj.gov/ovc/welcovc/scad/guides/vaguide.htm>.

## VI. INELIGIBLE ACTIVITIES

- A. **CRIME PREVENTION:** One exception to this exclusion is crime prevention activities related to efforts specifically included in providing emergency assistance after a victimization, such as services to prevent the immediate re-burglarizing of a home. Programs in which crime victims are not the sole or primary beneficiaries of funded activities are ineligible.
- B. **LOBBYING, LEGISLATIVE, AND ADMINISTRATIVE ADVOCACY:** Lobbying for particular victim legislation or administrative reform, whether conducted directly or indirectly, is an activity ineligible for VOCA funding.
- C. **PERPETRATOR REHABILITATION AND COUNSELING:** Subrecipients cannot knowingly use VOCA funds to offer rehabilitative services to offenders. Likewise, VOCA funds cannot support services to incarcerated individuals, even when the service pertains to the victimization of that individual.
- D. **NEEDS ASSESSMENT, SURVEYS, MANUALS, AND PROTOCOLS:** The use of VOCA funds to conduct needs assessments, surveys, development of manuals and protocols, or to perform general administrative tasks does not fall within the intent of the Act and is outside the scope of the Program Guidelines.
- E. **FUNDRAISING:** Fundraising activities are not allowed on the project.
- F. **EQUIPMENT PURCHASES/CAPITAL EXPENDITURES:** Only equipment determined to be necessary and essential to the delivery of direct service as deemed by OVC is an allowable cost.
- G. **PROFESSIONAL SERVICES OF DOCTORS AND LAWYERS:** The payment of fees for professional services rendered by lawyers and doctors in most instances extend beyond the intent of the Act, and are, therefore, ineligible for VOCA funding. *According to OVC, victims treated for crime related injuries are encouraged to seek reimbursement for medical services rendered by doctors from their state crime victim compensation program.*

The above does not prohibit direct service programs from hiring as staff salaried medical/mental health professionals to provide services on site to clients. This differs significantly from a case by case fee-for-service type arrangement.

Non-emergency legal services are not allowable.

- H. **WITNESS MANAGEMENT AND NOTIFICATION PROGRAMS:** Projects whose primary objectives are to improve the prosecutorial efficiency of a prosecutor's office and whose goals are primarily witness management and notification are identified as administrative in nature and are, therefore, ineligible for support.

However, Victim/Witness programs in prosecutor's offices which provide both direct services to victims, such as escort and transportation, and support and advocacy during the criminal justice process, as well as a wide range of other services, are eligible to receive VOCA funding only for the portion of the program that provides direct services to victims.

- I. **CRIMINAL JUSTICE IMPROVEMENTS:** General criminal justice agency improvements or programs where crime victims are not the sole or primary beneficiaries are not eligible for VOCA funding.
- J. **INSURANCE:** The purchase of liability insurance policies and the repair of buildings and vehicles are incidental expenses, and are not necessary to the provision of direct services to crime victims as intended by the Act. Therefore, VOCA funds may *not* be used for these purposes. However, reasonable professional liability costs for certain VOCA funded personnel are allowable.
- K. **MEDICAL COSTS:** Hospital care, nursing home care, long term home health care costs and other in-patient treatment costs are unallowable services. VOCA victim assistance grant funds cannot support medical costs regardless of whether they are a result of victimization or not.
- L. **INELIGIBLE RECIPIENTS:**
1. **Federal Agencies.** This includes U. S. Attorneys Offices and FBI Field Offices.
  2. **In-Patient Treatment Facilities:** For example, those designed to provide treatment to individuals with drug, alcohol and/or mental health-related conditions.

## LIMITED ENGLISH PROFICIENCY

The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to the programs, services and information those entities provide. This will require agencies to develop creative solutions to address the needs of this ever-growing population of individuals whose primary language is not English. Agencies must establish and implement policies and procedures for language assistance services that provide LEP persons with meaningful access, without additional charge.

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be LEP. These individuals are entitled to language assistance with respect to a particular type of service, benefit or encounter. All programs and operations of entities that receive assistance from the federal government must comply with providing services to LEP individuals. These services include providing oral language services and providing translation of written materials.

Applicants are required to attach their written policy on language assistance for LEP persons, and have such policy available for review by the Kentucky Justice and Public Safety Cabinet.